

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**OSCAR DE LEON**

**Plaintiff,**

**vs.**

**BUCKLEY TRANSPORT, INC. and  
CRAVIN BROCK, INDIVIDUALLY**

**Defendants,**

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**CIVIL ACTION NO. 4:15-cv-3413**

**JURY TRIAL REQUESTED**

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISCTRICT JUDGE:

COMES NOW, **BUCKLEY TRANSPORT, INC. and CRAVIN BROCK**, Defendants in the above-entitled and numbered cause and file this Notice of Removal under 28 U.S.C. § 1446(a).

A. Introduction

1. Plaintiff, OSCAR DE LEON, is a resident of Brazoria County, Texas and is represented by attorney Carlos R. Galvan of the Law Offices of Carlos R. Galvan, 3525 W. Freddy Gonzalez, Suite C, Edinburg, Texas 78539. Defendant, **BUCKLEY TRANSPORT, INC.** is a company organized in the State of Mississippi. Defendant, **CRAVIN BROCK**, is an individual and is a resident of the State of Mississippi. Both Defendants are represented by attorney Tracey R. Burrige, David Klosterboer & Associates, 4650 Westway Park Blvd., Ste. 150, Houston, Texas 77584.

2. On September 29, 2015, Plaintiff sued Defendants for personal injuries and damages related to an automobile accident that occurred on October 30, 2014 in Houston, Harris County, Texas. Plaintiff sued Defendant, Cravin Brock based on allegations of negligence in

causing the accident. Plaintiff sued Defendant, Buckley Transport, Inc. based on allegations of negligent entrustment. Plaintiff has sued for monetary relief aggregating more than \$200,000.00.

3. Defendant Buckley Transport, Inc. was served by delivering the citation and petition to its Registered Agent, Stacy Buckley on October 20, 2015. Defendant Buckley Transport, Inc. files this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

#### B. Basis for Removal

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a); *Darden v. Ford Consumer Fin. Co.*, 200 F3d 753, 755 911<sup>th</sup> Cir. 2000). Plaintiff is a citizen of Brazoria County, Texas. Defendant, Cravin Brock is a resident of Mississippi. Buckley Transportation, Inc. is a company organized in Mississippi. The amount in controversy allegedly exceeds \$75,000.00, excluding interest and costs. Plaintiff claims personal injuries and damages in a range of more than \$200,000.00. Therefore, Plaintiff's alleged damages exceed the jurisdictional limits set forth in 28 U.S.C. § 1332(a).

5. All pleadings, process, orders and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). (Plaintiff's Original Petition, Request for Disclosure, Request for Production and Request for Interrogatories; Defendants' Original Answer, Request for Disclosure and Jury Demand)

6. Venue is proper in this district court under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district and division.

7. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the state court where the action has been pending.

C. Jury Demand

8. Defendant hereby demands a jury trial.

D. Conclusion

9. This Court has the proper jurisdiction over this matter as there is a complete diversity of the parties and the amount in controversy exceeds \$75,000.00, excluding interest and costs. For these reasons, Defendants ask the Court to remove this action to this federal court.

Respectfully submitted,

*/s/ Tracey R. Burridge*

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**TRACEY R. BURRIDGE**

State Bar No. 03459800

SD TX Fed. Bar No. 13429

DAVID KLOSTERBOER & ASSOCIATES

4650 Westway Park Blvd., Suite 150

Houston, Texas 77041

Telephone No. (281) 606-8954

Facsimile No. (855) 848-0739

Email: [tburriddg@travelers.com](mailto:tburriddg@travelers.com)

\*\*Eservice Only: [dklawhou@travelers.com](mailto:dklawhou@travelers.com)

**ATTORNEY FOR DEFENDANTS,**

**BUCKLEY TRANSPORT, INC. and CRAVIN  
BROCK**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing instrument has been forwarded to all known counsel of record as listed below by facsimile transmission on this the 19th day of November, 2015.

***Via Facsimile: (956) 435-0038***

Carlos R. Galvan

Law Office of Carlos R. Galvan

3525 W. Freddy Gonzalez, Ste. C

Edinburg, Texas 78539

*/s/ Tracey R. Burridge*

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**TRACEY R. BURRIDGE**